

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Jeremy Ned

v.

Civil No. 15-cv-178-LM

Esker Tatum, Warden, FCI-Berlin

**O R D E R**

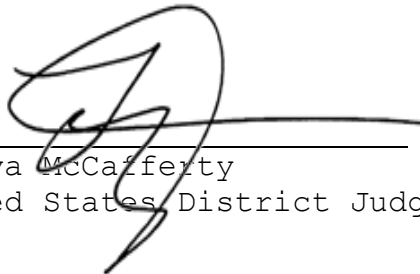
Jeremy Ned, a federal prisoner, filed a petition for a writ of habeas corpus (doc. no. 1) pursuant to 28 U.S.C. § 2241, asserting one claim for relief. Respondent moved to dismiss (doc. no. 7) the petition as moot. Ned filed an objection (doc. no. 8) to the motion, and Respondent filed a response (doc. no. 10) to Ned's objection. On August 3, 2016, the Magistrate Judge issued a Report and Recommendation (doc. no. 13) ("August 3 R&R"), finding that the relief Ned sought in the petition - expungement of a particular disciplinary report and restoration of good time revoked in that disciplinary matter - has occurred. Accordingly, the magistrate judge recommended that the motion to dismiss be granted, and the petition be dismissed as moot.

Subsequent to the issuance of the August 3 R&R, Ned filed a supplement to his petition (doc. no. 15), asserting a second claim, which has been added to this action, and a further response (doc. no. 14) to Respondent's motion to dismiss (doc

no. 7). In that response, Ned does not counter any of the facts upon which the magistrate judge determined the claim asserted in the original petition to be moot. Instead, Ned argues in his response that, because he has asserted a second claim that is not moot, the petition should not be dismissed.

The court now finds that, as set forth in the August 3 R&R, Ned has received all of the relief he seeks as to the claim asserted in the initial petition in this matter, and therefore, that claim is moot. Accordingly, the court approves the August 3 R&R, to the extent it recommends dismissing that claim. The court, however, declines to accept the recommendation in the August 3 R&R that the entire petition be dismissed, as the petition now includes a claim that remains in this case.

SO ORDERED.



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Landya McCafferty  
United States District Judge

September 8, 2016

cc: Jeremy Ned, pro se  
Seth R. Aframe, Esq.